

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

STEPHEN JOSEPH GIBSON,

Plaintiff,

v.

Case No: 6:21-cv-810-GKS-LRH

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

REPORT AND RECOMMENDATION¹

TO THE UNITED STATES DISTRICT COURT:

This cause came on for consideration without oral argument on the following motion filed herein:

MOTION: DEFENDANT'S UNOPPOSED MOTION FOR ENTRY OF JUDGMENT UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g) WITH REVERSAL AND REMAND OF THE CAUSE TO DEFENDANT (Doc. 21)

FILED: October 27, 2021

THEREON it is RECOMMENDED that the motion be GRANTED.

¹ On August 26, 2021, the parties filed a completed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge, Doc. 20, but that consent has not yet been approved by the presiding District Judge.

The Commissioner of Social Security moves to remand this case pursuant to sentence four of 42 U.S.C. § 405(g) for “further consideration and administrative action, including further consideration of medical opinion evidence and other evidence, and issuing a new decision.” (Doc. 21, at 1). Plaintiff has no objection to the motion. (*Id.*, at 2). Upon consideration, the undersigned finds the request well taken.

Accordingly, it is **RESPECTFULLY RECOMMENDED** that the Court:

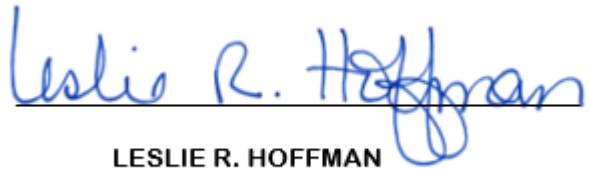
1. **GRANT** the Commissioner’s Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to Defendant (Doc. 21);
2. **REVERSE and REMAND** the final decision of the Commissioner for further proceedings pursuant to sentence four of § 405(g) for the above-stated reason; and
3. **DIRECT** the Clerk of Court to enter judgment in favor of Plaintiff and against the Commissioner, and thereafter **CLOSE** this case.

NOTICE TO PARTIES

A party has fourteen days from the date the Report and Recommendation is served to serve and file written objections to the Report and Recommendation’s factual findings and legal conclusions. Failure to serve written objections waives

that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. 11th Cir. R. 3-1. **If the parties have no objection to this Report and Recommendation, they may promptly file a joint notice of no objection.**

Recommended in Orlando, Florida on October 28, 2021.


LESLIE R. HOFFMAN
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge
Counsel of Record